

The background of the cover is a photograph of a city skyline at sunset. The sky is a mix of deep blue, light blue, and orange, with the sun low on the horizon. The city buildings are silhouetted against the bright sky, and their lights are visible. The water in the foreground is calm, reflecting the colors of the sky and the city lights.

UNITED STATES ADVISORY COUNCIL ON HUMAN TRAFFICKING

ANNUAL REPORT
2020



PHOTO CREDIT: ICF



CONTENTS

| | |
|--|----|
| Acknowledgments..... | 4 |
| About the Council | 5 |
| About the President’s Interagency Task Force | 8 |
| Introduction..... | 9 |
| What is Human Trafficking?..... | 10 |
| Underserved Populations Committee | 12 |
| Survivor-Informed Leadership Committee | 16 |
| Council Trips to Colorado and Ohio | 19 |
| Priority Issues..... | 23 |
| Reflections Since 2016 and Moving Forward | 28 |
| Conclusion..... | 31 |



We chose the images of a cityscape and sunrise for the cover of our report for several reasons. Busy urban spaces represent diversity of ideas and experiences, with many moving parts that require partnership and collaboration, as do efforts to fight trafficking. The sunrise represents renewal, hope, and the reach survivors’ voices have across all aspects of those anti-trafficking efforts. Together, the cityscape and sunrise represent a progression towards the inclusion and harmony of diverse innovations and reforms to end human trafficking.”

— TANYA GOULD-STREET, MEMBER, U.S. ADVISORY COUNCIL

ACKNOWLEDGMENTS

As members of the 2018-2020 United States Advisory Council on Human Trafficking (Council), we are grateful to members who served on the Council in 2015-2017 for the monumental steps they took to raise awareness and promote survivor empowerment with federal agencies and local communities in the fight against human trafficking. In this report, we strive to honor and reflect on their groundbreaking work and federal agencies' efforts to implement their recommendations.

We are thankful to the federal agencies that dedicated time to meet with the Council in preparation of this report. This includes the Department of State (DOS), Department of Justice (DOJ), Department of Health and Human Services (HHS), Department of Homeland Security (DHS), Department of Labor (DOL), Department of Education (ED), and the U.S. Agency for International Development (USAID). These agencies provided answers to our questions and shared materials for our review—helping us move closer to implementation of the recommendations in our 2019 annual report.¹

We also would like to thank the regional federal offices and local government agencies, survivors, law enforcement officials, prosecutors, nongovernmental organizations (NGOs), and other advocates in Denver, Colorado and in Cincinnati and Columbus, Ohio for meeting with us in preparation for this report.

We are most grateful to the Department of State's Office to Monitor and Combat Trafficking in Persons (DOS/TIP Office) and ICF International Inc. staff for supporting the Council's work.

We are especially grateful to Advisor to the President, Ivanka Trump and Director of the Domestic Policy Council, Joe Grogan for meeting with and supporting the Council and for asking for our ideas and recommendations on how to improve federal anti-trafficking efforts.

We also thank President Donald Trump and Advisor to the President, Ivanka Trump, for acknowledging and including survivor leaders in the White House's January 2020 summit on human trafficking that honored 20 years of progress in combating human trafficking in the United States.

Finally, we would like to thank President Donald Trump, Secretary of State Mike Pompeo, members of Congress, and White House staff for providing an honorable platform for survivors of human trafficking to contribute their expertise in the United States.

1. United States Advisory Council on Human Trafficking. (2019). Annual Report 2019. Retrieved from <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2019/>

ABOUT THE COUNCIL

The U.S. Advisory Council on Human Trafficking comprises eight survivor leaders who bring their expertise and experience to advise and provide recommendations to the President's Interagency Task Force to Monitor and Combat Trafficking in Persons (PITF) to improve federal anti-trafficking policies.

The Council was established on May 29, 2015 by section 115 of the Justice for Victims of Trafficking Act (JVTA) of 2015, Pub. L. 114-22, also known as the Survivors of Human Trafficking Empowerment Act, and in March 2018, President Donald Trump appointed members of the Council to:

- Provide advice and recommendations to the U.S. government, specifically the Senior Policy Operating Group (SPOG)² and the PITF, to strengthen federal policy and programming efforts that reflect best practices in the anti-trafficking field.
- Review federal U.S. government policy and programs intended to combat human trafficking, including programs relating to the provision of services for victims.
- Gather information from U.S. government agencies, states, and the community for the Council's annual report.
- Publish an annual report that contains the findings derived from reviews conducted of federal government policy and programs.
- Serve as a point of contact for federal agencies reaching out to human trafficking survivors for input on anti-trafficking programming and policies in the United States.
- Represent the diverse population of human trafficking survivors across the United States.

The Council brings expertise from members' personal experiences of human trafficking as well as members' ongoing work and leadership in various national, state, local, and tribal anti-trafficking efforts. The Council has organized itself into two committees to conduct its work: Underserved Populations Committee and Survivor-Informed Leadership Committee. Information about each Council member is provided on pages 6–7.

Note to Congress

We acknowledge the extension of the sunset provision for the Council to 2021 in the Fredrick Douglass Trafficking Victims Prevention and Protection Reauthorization Act of 2018 and encourage Congress to act to make the Council permanent or at a minimum support the LIFT Act (H.R. 5664), to extend the Council until September 2025.

2. The SPOG consists of senior officials designated as representatives of the PITF.

U.S. ADVISORY COUNCIL ON HUMAN TRAFFICKING



Robert Lung

Council Chair and Underserved Populations Committee

Vice Chair of the Colorado Human Trafficking Council; Member of the National Advisory Committee on Trafficking of Children and Youth in the United States



Ronny Marty

Council Vice Chair and Underserved Populations Committee

Independent consultant and speaker to combat human trafficking;
Labor trafficking expert



Flor Molina

Council Secretary and Underserved Populations Committee

Founding member of the Coalition to Abolish Slavery & Trafficking (CAST) Survivor Leadership Program; Member of the National Survivor Network; Survivor advocate



Bukola Love Oriola

Survivor-Informed Leadership Committee

Founder, The Enitan Story; CEO, Bukola Oriola Group, LLC



Bella Hounakey

Underserved Populations Committee

Independent consultant and advocate for victim protection and treatment; Sex and labor trafficking expert



Harold D'Souza

Survivor-Informed Leadership Committee

Co-founder of Eyes Open International; Member of the Global Sustainability Network; Survivor advocate and motivational speaker



Tanya Gould-Street

Survivor-Informed Leadership Committee

Founder, Identifiable Me; Survivor expert and consultant



Sheila White

Survivor-Informed Leadership Committee

Director of Education, The Switch Anti-Trafficking Network; Survivor leadership activist

ABOUT THE PRESIDENT'S INTERAGENCY TASK FORCE

The President's Interagency Task Force to Monitor and Combat Trafficking in Persons was authorized by section 105(a) of the Trafficking Victims Protection Act of 2000, Pub. L. 106-386, and established by section 1(a) of Executive Order 13257 (Feb. 13, 2002).

The agencies of the PITF are:

Department of State (DOS)
Department of the Treasury (Treasury)
Department of Defense (DOD)
Department of Justice (DOJ)
Department of Interior (DOI)
Department of Agriculture (USDA)
Department of Commerce (DOC)
Department of Labor (DOL)
Department of Health and Human Services (HHS)
Department of Transportation (DOT)
Department of Education (ED)
Department of Homeland Security (DHS)
Domestic Policy Council (DPC)
National Security Council (NSC)
Office of Management and Budget (OMB)
Office of the United States Trade Representative (USTR)
Office of the Director of National Intelligence (ODNI)
Federal Bureau of Investigation (FBI)
U.S. Agency for International Development (USAID)
U.S. Equal Employment Opportunity Commission (EEOC)

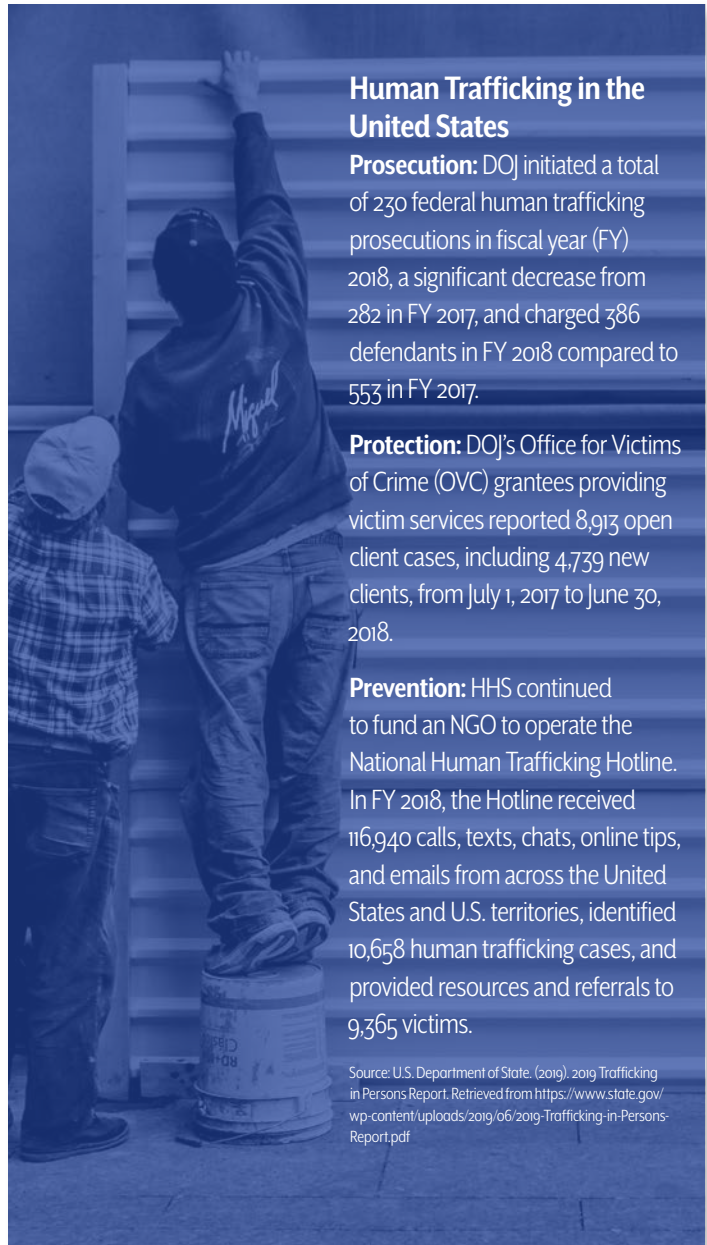
INTRODUCTION

Human trafficking is a heinous crime in our country and around the world. It affects individuals, families, and communities. Many have lost their lives and others struggle daily as they cope with the trauma of this horrible crime.

In this report, we honor the 20th anniversary of the Trafficking Victims Protection Act of 2000 (TVPA). Since its enactment, there have been tremendous efforts to combat human trafficking within the United States by the federal government, state and local governments, NGOs, and community members. We are humbled by federal government efforts to revise and create new policies and programs to engage and empower survivors' voices at all stages and at all levels to protect victims and prevent and prosecute trafficking.

The United States Advisory Council on Human Trafficking is a significant achievement for victims and survivors as well as the federal government. Since its inception, the Council and federal agencies have worked collaboratively toward common goals to combat human trafficking. We are grateful for the strides federal agencies have taken to implement our recommendations.

Survivors strive to turn their obstacles into opportunities and to inspire hope in victims. With the creation and continuation of the U.S. Advisory Council on Human Trafficking, the United States Congress has created a model of survivor empowerment. It shows how survivors—through their diverse professional and lived experiences—can positively impact anti-trafficking programs and policies at the highest levels of government.



Human Trafficking in the United States

Prosecution: DOJ initiated a total of 230 federal human trafficking prosecutions in fiscal year (FY) 2018, a significant decrease from 282 in FY 2017, and charged 386 defendants in FY 2018 compared to 553 in FY 2017.

Protection: DOJ's Office for Victims of Crime (OVC) grantees providing victim services reported 8,913 open client cases, including 4,739 new clients, from July 1, 2017 to June 30, 2018.

Prevention: HHS continued to fund an NGO to operate the National Human Trafficking Hotline. In FY 2018, the Hotline received 116,940 calls, texts, chats, online tips, and emails from across the United States and U.S. territories, identified 10,658 human trafficking cases, and provided resources and referrals to 9,365 victims.

Source: U.S. Department of State. (2019). 2019 Trafficking in Persons Report. Retrieved from <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

WHAT IS HUMAN TRAFFICKING?³

Sex Trafficking

When an adult is required to engage in a commercial sex act as the result of force, threats of force, fraud, coercion or any combination of such means, that person is a victim of trafficking. Under such circumstances, perpetrators involved in recruiting, enticing, harboring, transporting, providing, obtaining, advertising, maintaining, patronizing, or soliciting a person for that purpose are guilty of federal sex trafficking of an adult. This is true even if the victim previously consented to engage in commercial sex.

- **Child Sex Trafficking**

Any child (under the age of 18) who has been recruited, enticed, harbored, transported, provided, obtained, advertised, maintained, patronized, or solicited to engage in a commercial sex act is a victim of trafficking regardless of whether or not force, fraud, or coercion is used. The use of children in the commercial sex trade is prohibited both under U.S. law and by legislation in most countries around the world.

Labor Trafficking

Labor trafficking encompasses the range of activities—recruiting, harboring, transporting, providing, or obtaining—involved when a person uses force or physical threats; psychological coercion; abuse of the legal process; a scheme, plan, or pattern intended to hold a person in fear of serious harm; or other coercive means to compel someone to work. Once a person's labor is obtained by such means, the person's previous consent or effort to obtain employment with the trafficker does not preclude the person from being considered a victim, or the government from prosecuting the offender. U.S. law prohibits the importation of goods produced by forced labor, including forced child labor; convict labor; and indentured labor under penal sanctions.

- **Debt Bondage**

U.S. law prohibits the use of a debt as a form of coercion to compel a person's labor. Some workers fall victim to traffickers or recruiters who unlawfully exploit an initial debt assumed as a condition of employment, while in certain countries some workers "inherit" the debt. Although contract violations and hazardous working conditions for migrant laborers do not in themselves constitute human trafficking, the imposition of costs and debts on these laborers can contribute to a situation of debt bondage. In other cases, employment-based temporary work programs in which the workers' legal status in the country is tied to a particular employer present challenges to workers who would like to flee from such an employer.

- **Domestic Servitude**

Working in a private residence can create unique vulnerabilities, particularly because what happens in a private residence often is hidden from the world, and it is easy to isolate a worker in a private residence. Domestic workplaces are often informal, connected to off-duty living quarters, and not shared with other workers. Such an environment is conducive to exploitation because authorities cannot inspect private homes as easily as formal workplaces. The use of informal, or even verbal, employment contracts compounds vulnerability. Foreign domestic workers are particularly vulnerable to abuse due to factors such as language and cultural barriers and lack of community ties.

- **Forced Child Labor**

Although children may legally engage in certain forms of work, forms of slavery or slave-like practices—including the sale of children for exploitation, forced or compulsory child labor, and debt bondage and serfdom of children—continue to exist as manifestations of human trafficking, despite legal prohibitions and widespread condemnation.

Unlawful Recruitment or Use of Child Soldiers

Child soldiering can be a form of human trafficking when it involves the unlawful recruitment or use of children—through force, fraud, or coercion—by armed forces as combatants or to carry out support roles such as cooks, porters, messengers, medics, or guards. Perpetrators may be government forces, paramilitary organizations, or rebel groups. In addition to being recruited or used for combat or labor, some child soldiers are sexually abused and exploited by armed groups.⁴

³ U.S. Department of State, Office to Monitor and Combat Trafficking in Persons. (2017). President's Interagency Task Force to Monitor and Combat Trafficking in Persons. Retrieved from <https://2009-2017.state.gov/j/tip/response/usg//index.htm>

⁴ Even without evidence of force, fraud, or coercion, U.S. criminal law prohibits the recruitment or use of child soldiers in specific circumstances. See 18 U.S.C. § 2442.



UNDERSERVED POPULATIONS COMMITTEE

Overview

The Underserved Populations Committee was created based on an open dialogue among Council members who identified a wide variety of underserved human trafficking victim populations and populations who are at greater risk of and are more vulnerable to human trafficking. We acknowledge there are a multitude of underserved populations; however, we selected five to focus on this term:

- **Labor trafficking victims:** A significant percentage of all trafficking cases involve individuals who are victims of labor trafficking. Yet, there is limited public awareness about labor trafficking and few labor trafficking prosecutions. For example, in FY 2018 only 17 DOJ prosecutions involved predominantly labor trafficking.⁵
- **Boys and men:** Boys and men comprise a significant portion of human trafficking victims nationally and internationally, but there is a vast discrepancy in the services available for them. Resources and public awareness activities are focused largely on women and girls—many men and boys do not identify as victims or request services.⁶
- **Lesbian, gay, bisexual, transgender, questioning, intersex (LGBTQI) individuals:** It is well documented that one contributing factor to youth running away from home is the experience of their families rejecting them when they identify as LGBTQI. A recent study demonstrated that among homeless youth who were victims of human trafficking, up to 39 percent were LGBTQI runaway youth.⁷
- **Indigenous populations:** American Indian, Native Hawaiian, Alaska Native, and Pacific Islander populations have experienced inter-generational trauma patterns, including tribal relocations and forced assimilation in boarding schools. Indigenous populations of women and children (boys and girls) face additional risk factors related to trafficking, including high rates of poverty and involvement in the child welfare system.^{8,9}
- **People with special needs, disabilities, and the elderly:** There are significant gaps in the availability of long-term housing and extended support services for people with disabilities and elderly victims, as well as limited training for service providers on identifying and advocating for community services or accommodations.

Among these five populations are common underlying challenges, which include: limited public awareness, lack of data, limited service providers available to address their needs, fewer prosecutions of cases involving victims from these populations, and distinctly inadequate use of grant funding for these populations. For example, while some studies document that only 3.6 percent of prosecuted trafficking cases involve male victims, other studies have found that males account for up to 45 percent of the victim population.¹⁰ These challenges serve as a call to action to address these critical disconnects.

This Committee encourages federal agencies to promote equity and inclusivity for these underserved populations. We appreciate agencies' efforts to partner with survivors and further encourage agencies to expand their reach to work with survivors from these populations as well as survivor-led direct service organizations. In the creation of this Committee, we wished to highlight where gaps remain in identifying and serving underserved populations.

5. U.S. Department of State. (2019). 2019 Trafficking in Persons Report. Retrieved from <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

6. Swarens, T. (2018). Boys—The silent victims of sex trafficking. Retrieved from <https://www.usatoday.com/story/opinion/nation-now/2018/02/08/boys-silent-victims-sex-trafficking/1073799001/>

7. The Field Center. (2018). Human trafficking prevalence and child welfare risk factors among homeless youth: A multi-city study. Retrieved from <https://fieldcenteratpenn.org/wp-content/uploads/2013/05/6230-Rio-Field-Center-Full-Report-Web.pdf>

8. Center for Native American Youth at the Aspen Institute. (n.d.). Fast facts on Native American youth and Indian country. Retrieved from <https://assets.aspeninstitute.org/content/uploads/files/content/images/Fast%20Facts.pdf>

9. Fostering Together (n.d.). The crisis facing Native American youth. Retrieved from <http://fosteringtogether.org/foster-care/greatest-need/native-american/>

10. See Swarens, T. (2018). Boys—The silent victims of sex trafficking. Retrieved from <https://www.usatoday.com/story/opinion/nation-now/2018/02/08/boys-silent-victims-sex-trafficking/1073799001/>; Jones, S. V. (2010). The invisible man: The conscious neglect of men and boys in the war on human trafficking. Utah L. Rev. 1143. Retrieved from <https://repository.jmls.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=1029&context=facpubs>; Curtis, R., Terry, K., Dank, M., Dombrowski, K., Khan, B., Muslim, A., Labriola, M., & Rempel, M. (2008). The commercial sexual exploitation of children in New York City. Retrieved from https://www.courtinnovation.org/sites/default/files/CSEC_NYC_Executive_Summary.pdf; Currier, A., & Feehs, K. (2018). 2018 Federal Human Trafficking Report. Retrieved from <https://www.traffickingmatters.com/2018-federal-human-trafficking-report/>

Recommendations

In our 2019 report, this Committee recommended:

1. DOJ, HHS, DOS, USAID, and DOL provide incentives to potential grantees to offer services to underserved populations as well as seek additional appropriations for and prioritize existing funding to support underserved populations.
2. HHS/Children's Bureau (HHS/CB) and HHS/Family and Youth Services Bureau (HHS/FYSB) support increased training opportunities for direct service professionals on identifying, preventing, and responding to trafficking among underserved children and youth populations, and encourage training opportunities by survivors of human trafficking.
3. All PITF agencies seek to increase data collection efforts within their authority to gather more detailed information about underserved populations to better inform agencies' resource allocations and service offerings to trafficking victims/survivors.

In 2019, we focused on implementing aspects of each of our recommendations and prioritized working with DOJ, HHS, and DOL.



Implementation Efforts

This year, the Underserved Populations Committee focused on meeting with DOJ/OVC and HHS/Office on Trafficking in Persons (HHS/OTIP) on implementation of our first recommendation. We learned that in October 2019, HHS/OTIP's funding forecast included "*Demonstration Grants to Strengthen the Response to Victims of Human Trafficking in Native Communities (VHT-NC) Program.*"¹¹ Additionally several of HHS/OTIP's grantees have focused primarily on male victims of labor trafficking, specifically in agricultural settings. In addition, HHS/OTIP's National Human Trafficking Training and Technical Assistance Center (NHTTAC),¹² prioritizes the development and delivery of technical assistance, training, and resources to indigenous communities, men and boys, labor trafficking victims, people with disabilities, runaway and

11. U.S. Department of Health and Human Services, Administration for Native Americans. (2019). Potential funding opportunities from the Office on Trafficking in Persons. Retrieved from <https://www.acf.hhs.gov/ana/news/potential-funding-opportunities-from-the-office-on-trafficking-in-persons>

12. U.S. Department of Health and Human Services, Office on Trafficking in Persons. (n.d.). National Human Trafficking Training and Technical Assistance Center (NHTTAC). Retrieved from <https://www.acf.hhs.gov/ofip/training/nhttac>

homeless youth, and unaccompanied minors. In our meeting with DOJ/OVC, we learned that its Human Trafficking Capacity Building Center will focus on building capacity to provide a broad range of services to certain underserved populations, including indigenous victims. From July 2017 through June 2018, OVC human trafficking program grantees reported serving 1,356 male clients and 205 transgender clients. During the same time period, OVC grantees reported serving 1,748 labor trafficking clients and 447 clients who were identified as victims of both sex and labor trafficking.

We also met with HHS/CB and HHS/FYSB to discuss implementation of our second recommendation to increase training opportunities for direct service professionals on identifying, preventing, and responding to trafficking among underserved populations. HHS/CB shared information about several training courses its Capacity Building Center for States¹³ has delivered on trafficking to support service professionals in meeting the requirements of the Preventing Sex Trafficking and Strengthening Families Act.¹⁴ The Center also provides training and technical assistance to states on trafficking, family control, and serving male victims of trafficking. In addition, the Center has developed resources to address trafficking in child welfare and runaway/homeless programs. HHS/CB's Child Welfare Information Gateway recently updated its human trafficking resource section, which includes publications and resources for child welfare staff and agencies as well as human trafficking screening and assessment tools.¹⁵ While the JVTA does not require training of foster parents, it does require Child Abuse Prevention and Treatment Act State Plans to include "provisions and procedures for training child protective services workers about identifying, assessing, and providing comprehensive services to children who are sex trafficking victims, including efforts to coordinate with state law enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters."¹⁶ In meeting with HHS/FYSB, it shared that while it does not have a legislative mandate or dedicated funds to focus on trafficking, it has allocated resources for training on human trafficking through its Runaway and Homeless Youth Training and Technical Assistance Center.¹⁷ HHS/OTIP also ensured resources were available through NHTTAC so runaway and homeless youth service providers who received funding from HHS/FYSB received NHTTAC's SOAR training¹⁸ to help them identify and respond to individuals who are at risk or victims of trafficking. HHS/FYSB further provides grantees materials on promising practices when interacting with youth using victim-centered and trauma-informed approaches and supports human trafficking training for its domestic violence grantees.

Finally, to discuss PITF agencies' data collection efforts on underserved populations, we met with DOJ/OVC, HHS/OTIP, and HHS/FYSB. Through DOJ/OVC's Trafficking Information Management System (TIMS), it has collected optional data to identify certain populations. In meetings, it was noted, however, that DOJ's Office of Justice Programs is overhauling its data collection and grant monitoring systems, which includes TIMS. HHS/OTIP plans to implement information collections that will capture data on underserved populations (e.g., men/boys, indigenous communities, people with disabilities, LGBTQ individuals) through the Trafficking Victim Assistance Program (TVAP) and Domestic Victims of Human Trafficking (DVHT) grants. HHS/OTIP has obtained OMB approval to collect information through TVAP¹⁹ and is awaiting approval for DVHT collection.²⁰ HHS/OTIP is also in the process of developing the Anti-Trafficking Information Management System, which will capture this information and improve reporting and performance monitoring. In meeting with HHS/FYSB, it shared efforts it and HHS' Administration for Native Americans (HHS/ANA) have undertaken to collect data on runaway indigenous youth, including assessing whether indigenous youth call the National Runaway Safeline.²¹ HHS/FYSB' Runaway and Homeless Youth Program (RHY) also included human trafficking questions in its Runaway and Homeless Youth-Homeless Management Information System data standards to ensure high-risk youth and youth survivors of trafficking can be identified effectively through RHY programs.

13. U.S. Department of Health and Human Services, Children's Bureau. (n.d.). Child Welfare Capacity Building Collaborative: Center for States. Retrieved from <https://capacity.childwelfare.gov/states/>

14. Preventing Sex Trafficking and Strengthening Families Act. Pub. L. No. 113-183. (2014). Retrieved from <https://www.congress.gov/bill/113th-congress/house-bill/4980>

15. U.S. Department of Health and Human Services, Children's Bureau. (n.d.). Human trafficking. Retrieved from <https://www.childwelfare.gov/topics/systemwide/trafficking/>

16. Justice for Victims of Trafficking Act of 2015, Pub. L. No. 114-22 (2015). Retrieved from: <https://www.congress.gov/bill/114th-congress/senate-bill/178>

17. U.S. Department of Health and Human Services, Family and Youth Services Bureau. (n.d.). Human trafficking resources for RHY grantees. Retrieved from <https://www.rhyttac.net/human-trafficking-resources-for-rhy-grantees>

18. U.S. Department of Health and Human Services, Office on Trafficking in Persons. (n.d.). SOAR online. Retrieved from <https://www.acf.hhs.gov/otip/training/soar-to-health-and-wellness-training/soar-online>

19. Executive Office of the President, Office of Management and Budget. (2019). Agency submission: Trafficking Victim Assistance Program data. Retrieved from https://www.reginfo.gov/public/do/PRAViewCR?ref_nbr=201910-0970-001

20. Executive Office of the President, Office of Management and Budget. (2020). Agency submission: Domestic Victims of Human Trafficking Program data. Retrieved from https://www.reginfo.gov/public/do/PRAViewCR?ref_nbr=202001-0970-006

21. U.S. Department of Health and Human Services, Family and Youth Services Bureau. (n.d.). National Runaway Safeline. Retrieved from <https://www.acf.hhs.gov/fysb/programs/runaway-homeless-youth/programs/nrs>

Call to Action

We are encouraged by the anti-trafficking efforts of all PITF agencies. However, in meeting with many PITF agencies this year, we reaffirmed our concern that there is a distinct inequality of resources and services to select groups of human trafficking victims. In our efforts to identify and address gaps in services available to underserved populations, we advise all PITF agencies to continue to be ever aware of these trafficking victim populations and pursue creative solutions to prioritize them in their anti-trafficking programs and policies. While we have met with several PITF agencies, none shared data or examples of services to the elderly and special needs populations and only a few agencies or their grantees offer services unique to the needs of boys and men, LGBTQI, and indigenous populations. Further, while there is an increased awareness of labor trafficking among agencies, services remain exceptionally limited as compared to those available to sex trafficking victims. We urge future members of the U.S. Advisory Council on Human Trafficking to continue to prioritize underserved populations to further address the inequality of services they receive. We call upon all PITF agencies to continue to address gaps in services for these populations.

In addition, we are grateful to ED and its six divisions the Council met with this year (Office of Special Education Programs, Office of Indian Education, Office of Elementary and Secondary Education, Office of Migrant Education, Office of Safe and Supportive Schools, and Office of English Language Acquisition). We urge ED to consider two-generation approaches when developing its anti-trafficking efforts (see pg. 26). We specifically hope to continue to coordinate with the Office of Safe and Supportive Schools to address prevention and services for LGBTQI, male, special needs, and indigenous young people who may be survivors or at risk of human trafficking as well as the Office of Migrant Education to increase awareness and support services relating to labor trafficking.

We also commend HHS/FYSB and DOL for their commitments to combating human trafficking. We recommend HHS/FYSB and DOL work with Congress to include legislative mandates related to human trafficking domestically to further the collaborative effort of all PITF agencies to address this universal problem. HHS/FYSB has been creative in its efforts to provide human trafficking training through its Training and Technical Assistance Centers, and in tailoring NHTTAC's SOAR training for service providers and public health professionals who work with the populations served by FYSB's funded programs. We recommend HHS/FYSB work with Congress to include legislative mandates to advance its anti-trafficking efforts for children, youth, and families.

We also recognize that DOL enforces civil labor laws relating to labor exploitation, occupational safety, and wage violations, and is uniquely positioned to identify and refer potential trafficking cases. We believe DOL could be at the forefront of combating certain types of human trafficking domestically if they had a legislative mandate. In addition, we are grateful to DOL/Wage and Hour Division (DOL/WHD) for meeting with us this year and further understand it has 860 wage violation investigators nationally. During our regional trip to Denver (see pg. 19), we also learned that DOL/Office of Inspector General (DOL/OIG) has 150 investigators nationally and must be selective in cases it investigates due to limited staffing. We recommend DOL, in its annual budget request, seek increased funding to hire additional Wage and Hour and OIG investigators.

Note to Congress

We urge Congress to appropriate more resources to HHS/FYSB to increase their anti-trafficking efforts for children, youth, and families.

Note to Congress

When the Council met with DOL/WHD, we discussed the two-year statute of limitations to report wage violations under the Fair Labor Standards Act. We believe this period of time is too short for trafficking victims. Many trafficking victims do not self-identify as victims right away and may not understand their rights. We request that Congress extend the two-year wage violation statute of limitations for trafficking victims. Some states, such as California's AB 15 [Holden, 2015], provide a 10-year statute of limitations for trafficking survivors to file civil claims related to their trafficking experience.

Source: Limitation of actions: Human rights abuses, A.B. 15, Assemb. Reg. Sess. 2015-2016. (California 2015).

SURVIVOR-INFORMED LEADERSHIP COMMITTEE

Overview

The Survivor-Informed Leadership Committee was created to:

- Promote the delivery of technical assistance and capacity building for survivor-led organizations to become successful and sustainable in the anti-trafficking movement.
- Support the continued building of strong and long-term partnerships between survivors and federal agencies.
- Ensure appropriate and varied survivor representation in the review of and feedback on federal agency initiatives, campaigns, and products.

We define survivor-informed as the incorporation of survivors' expertise from inception through development and completion of efforts relating to all forms of anti-trafficking work. We believe that to empower survivors, federal agencies must engage them in meaningful collaboration, support their efforts to become self-sufficient, and promote the creation and sustainment of survivor-led anti-trafficking organizations.

Our Committee aims to ensure that throughout all collaboration efforts, survivors' voices are included in ways that respect their lived experiences, maintain their integrity, and foster meaningful and trusting relationships. In addition, survivors should not be viewed by their lived experiences alone, but by the meaningful contributions and value they have to offer. There is a fragility that is born from experiencing trauma. However, this does not diminish a survivor's capacity, integrity, and wisdom to contribute meaningfully to the support and process of anti-trafficking work.

Recommendations

In our 2019 report, this Committee recommended:

1. DOJ, HHS, USAID, and DOS support increased capacity building for survivor-led organizations within and outside the United States so that survivor-led organizations will be able to compete on an even playing field for federal grant opportunities.
2. PITF agencies support increased survivor leadership opportunities to provide technical assistance, capacity building, and other support to federal initiatives, grantees, and programs.
3. DHS/Blue Campaign, DOJ/OVC, and HHS/OTIP enhance public awareness materials and initiatives by increasing coordination with survivor leaders and marketing experts to better reach youth populations who may under-report trafficking.
4. DOJ host a national convening on anti-trafficking practices and policies.

In 2019, we focused on implementing aspects of each of our recommendations and prioritized working with DOJ, HHS, and DOL.

Implementation Efforts

This year we met with DOJ/OVC and HHS/OTIP with respect to our first recommendation to increase capacity building for survivor-led organizations. It is commendable that DOJ/OVC and HHS/OTIP have each made efforts to provide potential and current grantees technical assistance that also helps survivor-led organizations compete for and sustain federal grants. This support has included grantee-to-grantee coaching, grant writing training, and policies that promote increased survivor empowerment. Specifically, we recognize DOJ/OVC's capacity building grants as a promising avenue to support survivor-led and other small NGOs implementing anti-trafficking programs.

We also appreciate the implementation efforts of numerous PITF agencies with respect to our second recommendation to support survivor leadership and empowerment opportunities. We acknowledge opportunities that have been afforded to survivors to step into compensated consulting or professional development roles that draw from their professional and lived experiences. Specifically, we highlight the SPOG Victim Services Committee September 2019 webinar: *"Fellowships and Career Development for Survivors of Crime."*²² This webinar shared fellowship and career opportunities in the federal government available to survivors. In addition, beginning in FY 2019, we learned that



HHS/OTIP will be incorporating meaningful survivor engagement in program development-related activities in all applicable funding announcements. We also commend DOJ/OVC on funding the Promoting Employment Opportunities for Survivors of Trafficking Training and Technical Assistance Project. It is an important step in providing employment and education opportunities for survivors.²³ We also acknowledge DOJ/OVC Training and Technical Assistance Center's and HHS/OTIP NHTTAC's efforts to collaborate with subject matter expert consultants with lived experiences who are compensated fully and based on the nature of their work. We commend HHS/OTIP NHTTAC for its Human Trafficking Leadership Academy (HTLA),²⁴ which provides a several month leadership development program for survivor leaders and anti-trafficking professionals to enhance their leadership skills and gain experience in the anti-trafficking field. This program offers a model for other agencies to consider when working with and supporting survivors. The DOS/TIP Office has also created a survivor consultant network to inform DOS anti-trafficking programming and policies. Network consultants provided DOS/TIP Office critical insights from a survivor perspective by evaluating the quality of proposals submitted in response to its 2019 annual Notice of Funding Opportunity. Finally, we acknowledge DHS/Blue Campaign, which engages survivors from the beginning of its development of public awareness materials and trainings and compensates survivors for their time.

In response to our third recommendation, we met and corresponded with HHS/OTIP, HHS/FYSB, HHS/CB, and DHS/Blue Campaign to discuss public awareness efforts targeting young people. We appreciate HHS/OTIP's efforts to continuously seek to identify and prioritize opportunities to develop new public awareness materials and tools, some of which are designed to reach youth who may under-report trafficking victimizations. HHS/CB has also developed resources related to under-reporting and prevention efforts. However, we recognize that HHS' funds may be limited to implement our recommendation to work with marketing experts to develop these outreach campaigns and collect related data. We also recognize and applaud the reach of DHS/Blue Campaign's public awareness efforts on prevention and protection. DHS/Blue Campaign has used social media advertising on Instagram and Facebook to reach youth and provide them information about exploitation online.²⁵ When young people click on these advertisements, they are directed to DHS/Homeland Security Investigations' "*Guardian*" program, which provides youth resources relating to online safety. In a two-month period in 2019, the "*Guardian*" website received 50,000 visits.

Finally, in response to our fourth recommendation, we acknowledge that DOJ hosted a human trafficking summit in January 2020.²⁶

22. U.S. Department of Justice, Office for Victims of Crime. (September 5, 2019). Fellowships and career development for survivors of crime (webinar). Retrieved from <https://www.ncjrs.gov/App/events/calendar/CalendarSearchDetail.aspx?strConfID=31152>

23. Futures Without Violence. (n.d.). Promoting employment opportunities for survivors of trafficking. Retrieved from <https://www.futureswithoutviolence.org/human-trafficking/promoting-employment-opportunities-survivors-trafficking/>

24. U.S. Department of Health and Human Services, Office on Trafficking in Persons. (n.d.). Human Trafficking Leadership Academy. Retrieved from <https://www.oct.hhs.gov/otip/training/nhttac/human-trafficking-leadership-academy>

25. U.S. Department of Homeland Security. (n.d.). Online safety. Retrieved from <https://www.dhs.gov/blue-campaign/online-safety>

26. U.S. Department of Justice. (2020). Summit on combating human trafficking. Retrieved from <https://www.justice.gov/opa/gallery/summit-combating-human-trafficking>

Call to Action

We encourage PITF agencies to continue to review and revise their policies and regulations to increase capacity building opportunities that will support survivor-led organizations as well as individual survivors. To further support survivor-led organizations in competing for federal anti-trafficking grants, we recommend SPOG Grantmaking Committee agencies:

- Implement regular roundtables and/or webinars in which applicants may receive information about the funding opportunity, learn about specific elements of the solicitation, and review requirements of the systems in which applicants are required to apply. Furthermore, agencies should consider creating budget templates that contain automated calculation formulas to help survivor-led and other small business applicants build responsive program budget summaries and narratives.
- Engage survivors to inform the development and drafting of solicitations to ensure they use plain language, are trauma-informed, survivor-focused, and promote coordination with local survivors and survivor-led organizations.
- Include in solicitations that applicants coordinate with survivors and survivor-led organizations and adequately compensate them for their work, fairly attribute to them for their contributions, and protect their proprietary information.
- Create or adopt policies and procedures that encourage survivor empowerment when agencies or agency grantees work with survivors. Agencies may draw from resources such as HHS' *"Toolkit for Building Survivor-Informed Organizations."*²⁷

In addition, we appreciate the efforts of numerous PITF agencies to be fully survivor-informed and include critical insights from survivors' perspectives. It is undeniably a huge step in the right direction that consultant networks and consultant roles, such as those with DOJ/OVC, HHS/OTIP, and DOS/TIP Office, have been established and offer models for other agencies to adopt. We especially commend DOS/TIP Office in its efforts to meaningfully engage survivors in ways that empower them to lead happy and professionally fulfilled lives. We continue to suggest that the continuum of survivor empowerment not stop there. Survivors need to have access to multiple platforms that will promote their own individual leadership capabilities and enhance their skill sets in the long-term. In conjunction with their lived experiences, they need hard skills training and on-the-job experiences that will build their professional portfolios and skills to better prepare them to be viable candidates for federal government job opportunities. Agency efforts should also focus on practicing self-care in the workforce and providing vicarious trauma training to survivors and others working in the anti-trafficking movement due to the complexities often connected to anti-trafficking work.

We also appreciate federal agencies' efforts to enhance public awareness materials to reach under-reporting youth. We further encourage HHS/OTIP, HHS/FYSB, and HHS/CB to coordinate with each other to collect and analyze predictive data to help surface trends on where young people may be victims of trafficking (from abandoned buildings to online to high-traffic tourist locations) and under what circumstances to inform more targeted and local outreach and prevention efforts in child protection and runaway and homeless youth systems. We also encourage HHS/OTIP, HHS/FYSB, and HHS/CB to promote awareness through social media advertising to locate missing children and provide them access to safety resources. We further encourage all PITF agencies to ensure any anti-trafficking marketing and online tools targeting youth who under-report represent diverse populations, are age and culturally appropriate, and are reviewed by the target populations they seek to reach before dissemination.

Finally, we recommend that DOJ explore ways to coordinate with other PITF agencies, philanthropy, and business partners to organize a 2020 national survivor forum and listening session, particularly in reflection of the 20th anniversary of the TVPA. This convening could be modeled after the 2014 Human Trafficking Survivor Forum and Listening Session and act as an example internationally to end human trafficking. It should include survivor leaders from diverse groups representing all forms of human trafficking, including those from underserved populations. Survivors' family members should also be included to acknowledge their experience and explore how anti-trafficking programs can undertake two-generation approaches (see pg. 26).

27. U.S. Department of Health and Human Services. (2018). Toolkit for building survivor-informed organizations. Retrieved from <https://www.acf.hhs.gov/otip/resource/nhttacorgtoolkit>

COUNCIL TRIPS TO COLORADO AND OHIO

The Council has undertaken four regional trips since its inception. During the Council's first term, the Council went on regional trips to Minnesota and Washington state. This term, the Council went to Colorado and Ohio. Regional trips help the Council understand how federal agency efforts are implemented at a grassroots level and how federal regional offices collaborate with state counterparts, NGOs, and community organizations. Regional trips also offer the Council opportunities to meet with local survivors and identify gaps and challenges in services, prevention, and partnerships that may impact Council recommendations to PITF agencies.

Colorado

Goals and Objectives

During the Council's regional trip to Denver, we met with regional federal offices, Colorado's state task force, local survivors, state agency representatives, the Restore Educate Support and Treat (REST) Court, the Denver Anti-Trafficking Alliance, the Laboratory to Combat Human Trafficking, Colorado Legal Services, and two survivor-led organizations, Free Our Girls and BridgeHope.

The goals for this trip were to:

- Gather information, educate, empower, create awareness, and brainstorm about meaningful survivor engagement.
- Meet with representatives from regional federal offices in Denver, Colorado to learn about specific challenges they face.
- Share information about the Council and engage local stakeholders, NGOs, and survivor advocates.

Key Takeaways

Survivor Engagement, Awareness, Housing, and other Service Gaps

The Council heard from multiple organizations about the need for tools to effectively engage survivors in program and policy development. Local survivors specifically recommended the Council continue to support efforts to fully engage survivors as professionals in their work and to not discriminate against them or treat them differently because of their lived experiences. Additionally, several NGOs shared that housing was a significant barrier for survivors across the state, especially for men and boys. This barrier, as well as access to other services, is more acute in rural areas. NGOs also noted challenges for survivors in accessing employment and education supports.

Problem-Solving Courts and a High-Risk Assessment Model

The Council met with representatives from the REST Court, which handles a docket of cases involving children in the delinquency or dependency system who are vulnerable to or are victims of trafficking. Hearings are youth-driven and youth may receive incentives for successes or sanctions for violations (using detention as a last resort). The Court uses a high-risk assessment model that was required by state legislation (see text box) to identify youth. The Court also aims to focus on healthy relationships and healthy development.

Focus on Labor Trafficking

The Council heard from several organizations that there continues to be a strong focus on girls and sex trafficking in the state with limited resources to identify and investigate labor trafficking. Regional DOL/OIG staff shared that there have been few labor trafficking cases in Colorado. DOL/OIG noted that identification is difficult and there are limited resources to combat labor trafficking. The local District Attorney's office shared that it recently hired a labor trafficking investigator to increase its focus on labor trafficking. The investigator, however, noted that individuals who are victims of labor trafficking

High-Risk Assessment Model

Several organizations with which the Council met noted their use of a high-risk assessment model to help identify youth who are vulnerable or are victims of trafficking. The REST Court, DOJ/Federal Bureau of Investigation (DOJ/FBI), and Colorado Department of Human Services (through its DOJ/OVC grant under the Improving Outcomes for Child and Youth Victims of Human Trafficking program) use the model as do other organizations across the state (such as juvenile detention centers, probation, and social services). The model includes monthly multidisciplinary meetings to review tool results, new referrals, and assess recommendations and action plans for youth receiving services. Multidisciplinary team participants include school officials, district and public defender offices, and guardian ad litem attorneys.

often do not come forward to law enforcement due to immigration concerns. To make inroads in the community, the investigator is focused on joining coalitions and coordinating with NGOs that may work with victims as well as ensuring her office is culturally and linguistically responsive when reaching out to workers.

T Visas and Continued Presence

Several NGOs with which the Council met shared the need for increased access to T visas and Continued Presence (CP). For example, NGOs noted the following observations:



PHOTO CREDIT: ICF

- They have received increased T visa denials.
- T visa processing has been taking approximately 16 to 27 months despite the filing volume not increasing.
- It has become harder to get fee waivers for filings associated with the T visa application process.²⁸
- There have been more requests for evidence in T visa applications.
- It has become challenging to prove victims are physically present in the United States on account of trafficking in part due to narrow interpretations of the “in the United States on account of” provisions of the TVPA and especially when victims experienced trafficking several years ago.
- Some law enforcement agencies do not request CP unless they believe they can prove the case beyond a reasonable doubt, even if CP can be afforded during the trafficking investigation.
- Some state/local authorities are not familiar with CP and have not reached out to DHS for support or more information.

Recommendations

Based on the Council’s regional trip to Denver, we recommend:

- DOJ, HHS, and the Department of Housing and Urban Development (HUD) support federal housing programs for trafficking survivors that include targeted services for survivors and their families, including underserved populations such as men and boys.
- DOL increase outreach efforts to survivors on available transitional job programs and resources.
- DOL support increased resources and training for DOL/OIG investigators to focus more on detecting potential labor trafficking.
- DHS and DOJ work with Colorado state law enforcement to increase training and awareness about CP to increase its access for victims of labor and sex trafficking in Colorado.
- DHS and DOJ work with state law enforcement, NGOs, and legal service providers to increase knowledge, awareness, and use of T visas.
- DHS increase consistency in adjudication of fee waivers for applications associated with T visa filings.

²⁸ T visa applications are exempt from filing fees under statute. However, T visa applicants must seek fee waivers for ancillary forms associated with a T visa filing (such as the form to waive an inadmissibility or the form to motion or appeal a decision). See Trafficking Victims Protection Reauthorization Act of 2008, Pub. L. 110-457 Section 201(d)(3) (2008). Retrieved from <https://www.congress.gov/110/plaws/pub457/PLAW-110publ457.pdf>

Ohio

Goals and Objectives

During the Ohio regional trip, Council members visited Cincinnati and Columbus. Council members met with local NGOs, Ohio's state task force, regional offices for DOL and DHS, local survivors, the Ohio Attorney General, representatives from the governor's office, a State Senator, local small business owners, university and secondary school representatives, and community members. The goals of the Ohio regional trip were to:



PHOTO CREDIT: ICF

- Listen, learn, and understand what is happening on the ground in Ohio with victims/survivors and engage the community to help foster and build relationships.
- Hear barriers and challenges to inform the Council's 2020 annual report.
- Connect with federal agencies to discuss Council recommendations and see how these recommendations fit within current agency efforts.
- Create space for meeting participants to share honestly about what is working (or not) in their anti-trafficking efforts.
- Raise awareness about the prevalence of labor and sex trafficking in Ohio.
- Foster and leverage relationships to support survivors in the community and create pathways for survivors to thrive.

Key Takeaways

Coordination between Stakeholders

During meetings, we learned about and applauded the efforts of the Ohio state task force and Ohio anti-trafficking stakeholders to coordinate with survivors in awareness, prevention, and protection efforts. During numerous meetings, representatives also suggested that increased coordination was needed between service providers, federal and state law enforcement, and federal law enforcement and community programs. In meeting with representatives from several area universities, participants called for increased coordination between secular, faith-based, school, and law enforcement stakeholders.

Data on Trafficking in Ohio

During several meetings, the Council also heard that there is limited data sharing between community programs, law enforcement, and the state hotline. In meeting with Ohio state task force agencies, participants noted a 2019 study by the University of Cincinnati that further showed that the state does not have coordinated data collection efforts to identify the prevalence of trafficking.²⁹

Fear and Reluctance among Victims and Survivors

During meetings with federal regional staff from DOL, DOJ, and DHS, participants reported that fear and reluctance of victims to come forward has been an impediment to pursuing potential wage violation or trafficking cases. In meeting with regional DOL/WHD staff, participants shared that citizenship status is immaterial to whether they pursue a case, but DOL/WHD's greatest challenge is gaining victim cooperation as many fear deportation. DOJ/FBI shared similar difficulties, noting that it investigates criminal violations regardless of an individual's immigration status. The representative from DHS/Homeland Security Investigations (DHS/HSI) shared that when DHS receives a tip, it often coordinates with local law enforcement to be the first contact to allay victim fears of working with the federal government.

29. Anderson, V.R., Kulig, T.C., Sullivan, C.J., & Farrell, A. (2019). Estimating the prevalence of human trafficking in Ohio. Retrieved from https://humantrafficking.ohio.gov/links/Ohio_Human_Trafficking_Prevalence_Study_Full_Report.pdf

Processing and Use of Visas and CP Status

During several meetings, questions arose about awareness, use of U visas, T visas, and CP. During a state task force meeting, one participant shared the belief that CP had not been afforded to any victim in Ohio in a year. Columbus NGOs also shared that there is a multi-year waiting period for U visas.

Housing and Other Long-Term Service Supports

NGOs from both Cincinnati and Columbus as well as local survivors in Columbus shared that there are limited housing services for survivors in Ohio, especially those leaving health or drug treatment facilities as well as those who are non-English speakers and LGBTQI youth. There are also a limited number of transitional housing programs that support survivors to move to permanent housing.

Focus on Labor Trafficking

During several meetings, participants noted that there are limited resources and training on labor trafficking in Ohio. Specifically, representatives from the governor's office and NGOs in Cincinnati shared that there is limited knowledge, focus, resources, and training on labor trafficking across the state.

Recommendations

Based on the Council's regional trip to Ohio, we recommend:

- DHS and DOJ work with Ohio state law enforcement to increase training and awareness about CP to increase its access for victims of labor and sex trafficking in Ohio.
- DHS and DOJ work with state law enforcement, local NGOs, and legal service providers to increase knowledge, awareness, and use of T visas.
- DOJ offer training and technical assistance for Ohio state and federal regional law enforcement on labor trafficking prosecutions as well as allocate more resources and tools to conduct labor trafficking investigations in Ohio.
- DOJ Press Office create a proactive outreach strategy to U.S.-based foreign press outlets to keep them informed of human trafficking prosecutions and help empower victims to come forward and seek help.
- PITF agencies promote increased engagement of labor trafficking survivors in advising state anti-trafficking efforts, including those in Ohio, with respect to prevention, protection, and prosecution.
- DOJ, HHS, and HUD support federal housing programs for trafficking survivors that include targeted services for survivors and their families.

PRIORITY ISSUES

Immigration and Protection for Victims of Trafficking

This year, through both the Council's federal agency meetings and regional trip meetings, we heard challenges faced by victims applying for T nonimmigrant status (T visa), U nonimmigrant status (U visa) and those who may be eligible for CP. Traffickers often use threats of deportation as a weapon to control and exploit victims. Fearing deportation and detention, many victims do not report or are afraid to work with law enforcement. These challenges are only exacerbated by misconceptions and lack of awareness or access to T and U visa application processes. We further learned of instances where law enforcement may choose to not pursue an investigation at all, which may put victims at further risk. There continue to be misconceptions about T visa application processes among NGO and advocacy communities, where few applications are submitted each year and filings remain well below the annual cap.³⁰ Additionally, processing times for U visas now span years as the backlog of applications for DHS to review continues to increase beyond the legislatively mandated cap of 10,000 visas each year. Nationally, CP is infrequently used (issued to only 121 victims in FY 2018 by DHS), leading to potential re-exploitation of victims.³¹

Notes to Congress

We urge Congress to increase the annual cap for U visa applications as the current backlog is 150,000 applications with a 10-year waiting period for new applicants.

We also urge Congress to appropriate additional funds to the U.S. Department of Homeland Security so the Department can increase staffing to address the U visa backlog and automate processing for Continued Presence, U visas, and T visas to reduce processing times.

T Visas

The T nonimmigrant status, which is a temporary immigration benefit commonly referred to as the T visa, enables eligible victims of trafficking to remain in the United States. The T visa is also available for certain qualifying family members of trafficking victims. There is an annual cap of 5,000 T visas for principal victims of trafficking.³² Derivative family members are not subject to the annual cap. Through the Council's regional trip meetings and federal agency meetings, we understand that each year the number of T visa applications filed is far less than the annual cap; DHS has received approximately 1,000 principal T visa applications per year for the last five years (except FY 2018 when more than 1,600 applications were received).³³ As noted above, during the Council's regional trips, we learned of instances where T visa applicants were denied these visas and were not afforded opportunities to provide further evidence to support their case. We further heard of situations where applicants were denied a T visa without being provided an explanation or being asked to provide more evidence. In addition, NGOs have shared challenges with proving victims are physically present in the U.S. because of trafficking in part due to narrow interpretations of the "in the U.S. on account of" provisions of the TVPA and especially when victims experienced trafficking several years ago. NGOs also shared instances where fee waivers for ancillary forms associated with T visa filings were not granted despite applicants qualifying for them. With fees ranging from about \$900 to over \$1,200, filing applications can be cost prohibitive for some victims. We also heard concerns from immigration attorneys and advocates that if continuances in immigration proceedings are restricted or disallowed while T visa applications are processing, bona fide applicants may be wrongly removed from the United States. This is important because physical presence in the United States is a statutory eligibility requirement for the T visa; therefore, removal of an applicant with a pending T visa renders the victim ineligible for the T visa. Compounding the risks potential T visa applicants face, they also shared that neither immigration court removal forms nor DHS credible fear screening tools screen for trafficking among adults (as they do with minors). As a result, adult trafficking victims may be unfairly removed from the United States.

30. See Immigration and Nationality Act, 214(o)(2); 8 U.S.C. § 1184(o)(2).

31. U.S. Department of State. (2019). 2019 Trafficking in Persons Report. Retrieved from <https://www.state.gov/wp-content/uploads/2019/06/2019-Trafficking-in-Persons-Report.pdf>

32. See Immigration and Nationality Act, 214 (o)(2); 8 U.S.C. § 1184(o)(2).

33. U.S. Department of Homeland Security, United States Citizenship and Immigration Services. (n.d.) Number of Form I-914, application for T nonimmigrant status by fiscal year, quarter, and case status: Fiscal years 2008-2019. Retrieved from [https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports and Studies/Immigration Forms Data/Victims/I914_t_visastatistics_fy2019_qtr4.pdf](https://www.uscis.gov/sites/default/files/USCIS/Resources/Reports%20and%20Studies/Immigration%20Forms%20Data/Victims/I914_t_visastatistics_fy2019_qtr4.pdf)



Recommendations

- DHS, DOJ, and DOS increase education and awareness among the public, NGOs, and attorney advocates about how and when to apply for T visas. We specifically encourage DHS/Blue Campaign to implement social media campaigns targeting the public, NGOs, and attorney advocates to address the differences between U and T visas, when to apply for each, and processing timelines for each. These campaigns should also help dispel misconceptions about T visa application processes to ensure potential applicants understand that T visa applications are not more difficult to complete than U visa petitions.
- DHS ensure proper review and appeal processes are afforded to T visa applicants and ensure T visa applicants are provided information about why their application was denied and what process they can undertake to provide more evidence and/or appeal the decision.
- DHS increase training and awareness among DHS staff to ensure qualified applicants receive fee waivers, if eligible, for filings associated with the T visa.
- DOJ and DHS increase coordination to identify and address challenges victims face when they have pending T visa applications and are simultaneously in removal proceedings before an immigration judge.
- DOJ and DHS explore options to screen for trafficking among adults who are in the immigration court system to share information about the T visa with potential victims and to decrease the possible removal of trafficking victims.

U Visas

U nonimmigrant status is a temporary immigration benefit that enables certain crime victims, including trafficking victims, to remain in the United States. There is an annual cap of 10,000 U visas for principal petitioners.³⁴ Through the Council's federal agency meetings and regional trip meetings, we learned that there are approximately 150,000 principal U visa petitions nationally with an average wait period of 10 years for new applicants. We also learned that DHS uses a paper-based system to process petitions. In addition, we learned that trafficking victims with a pending T visa application or U visa petition may not receive an authorization to work for multiple years unless they have received CP.

Recommendations for DHS

- Increase education and awareness of CP for trafficking victims applying for T and U visas.
- Review policies and seek ways to allow bona fide U visa applicants who do not have CP to be authorized to work in the United States.

Continued Presence (CP)

CP is a designation provided to individuals identified by law enforcement as victims of a severe form of human trafficking and who may be potential witnesses to such trafficking, as well as individuals who have filed a civil action. CP allows eligible trafficking victims to remain in the U.S. temporarily to facilitate an investigation or prosecution of the human trafficking-related crimes committed against them or for the duration of their civil case. CP applications from law enforcement should be initiated as early and expeditiously as practicable upon identification of a potential trafficking victim who may be a potential witness.³⁵ CP may be granted for a period of two years and renewed in increments of up to two years as long as an investigation is ongoing. During federal agency meetings and regional trip meetings, the Council learned that CP is infrequently requested by local law enforcement and there are misconceptions about how and when it can be provided. We acknowledge the efforts DHS is undertaking to raise awareness about CP by developing and disseminating a recently updated brochure as well as addressing CP in a three-part video training series.³⁶ We also appreciate DHS' efforts to increase coordination between state and federal law enforcement to increase the use of CP.

Recommendations for DHS

- Provide educational opportunities for DHS staff responsible for approving CP to identify and understand when potential victims of human trafficking can be issued CP.
- Provide educational opportunities for DHS victim specialists to support victims in seeking CP early and in accessing immediate services.
- Increase outreach and training for local law enforcement leaders on CP (such as chiefs of police and captains), focused on when to request CP, how long CP lasts, who is eligible for CP, and under what circumstances.
- Increase public, NGO, and attorney advocate knowledge of the criteria DHS uses to approve CP status.
- Support additional coordination between regional federal and state law enforcement entities to increase knowledge and use of CP.

34. See Immigration and Nationality Act, 214(o)(2); 8 U.S.C. § 1184(o)(2).

35. U.S. Department of Homeland Security, Blue Campaign and United States Immigration and Customs Enforcement. (2019). Continued Presence: Temporary immigration designation for victims of human trafficking. Retrieved from https://www.dhs.gov/sites/default/files/publications/blue_campaign/19_1028_bc_pamphlet-continued-presence.pdf

36. Ibid; U.S. Department of Homeland Security, Blue Campaign. (n.d.). Human trafficking awareness training. Retrieved from <https://www.dhs.gov/blue-campaign/awareness-training>

Two-Generation Approaches

Taking a two-generation approach is a critical strategy in supporting survivors, their children (and/or parents or caregivers), and families through a healing process. The generational cycle of trauma born from trafficking does not end with the victim but can permeate across a family and be passed down to future generations. Trafficking impacts every relationship a survivor has, and it affects every person with whom the survivor is connected. Familial relationships are often overlooked and not incorporated into the support programs provide—leaving unaddressed trauma to manifest into larger ongoing issues that impact survivors and their families.

Parents who have been the victims of trauma and have not dealt with it struggle to support their children who also may have suffered secondary trauma and exploitation. Children who have been victims may be retraumatized when they return home if their parents are not aware of the effects of trafficking. They may blame or shame their children for their ‘choices.’ Children are then at greater risk for running away and being vulnerable to re-exploitation. Immediate services, however, often focus exclusively on the victim. But, what about their children or their parents? Services should be extended to the whole family and there should be spaces for families to learn and understand what their family member experienced.

Definition of Two-Generation Approaches

“Two-generation approaches focus on creating opportunities for and addressing needs of both children and the adults in their lives together. The approach recognizes that families come in all different shapes and sizes and that families define themselves... [Two-generation] approaches focus equally and intentionally on services and opportunities for the child and the adults in their lives. They articulate and track outcomes for both children and adults simultaneously.”

Source: Ascend, The Aspen Institute. (n.d). What is zGen? Retrieved from <https://ascend.aspeninstitute.org/two-generation/what-is-zgen/>



We commend and acknowledge several PITF agencies' efforts to support and promote two-generation approaches:

- This year, HHS/OTIP's HTLA (see pg. 17) provided recommendations to HHS on how to incorporate two-generation approaches into anti-trafficking programs and policies. In FY 2019, HHS/OTIP began incorporating two-generation approaches in all applicable funding announcements. HHS/OTIP is also collaborating with HHS/Office of the Assistant Secretary for Planning and Evaluation and HUD to develop resources, policies, and protocols to address the housing needs of trafficking victims and their families. Some of HHS/OTIP's current grants also fund support services for victims and their family members. While the TVPA does not authorize direct benefits for family members, family members may derive benefits from the services provided, when in the best interest of the client.
- HHS/FYSB takes a two-generation approach in its runaway and homeless youth and family violence prevention programs. Under these programs, HHS/FYSB funds services for children and youth who have witnessed violence, including intra-family violence. HHS/FYSB also has curricula on healthy relationships, including relationships within families.
- DOJ/OVC gives grantees flexibility on how to use funds. When serving minor victims, grant language is clear that funding can also support services for the entire family.
- Recognizing that parents' vulnerabilities may increase the likelihood of child exploitation, DOL/ILAB's direct service grantees may include vocational training and livelihood supports for the whole family in addition to educational, and vocational services for children.

Recommendations

A two-generation approach is commonly defined as one that incorporates five primary elements: (1) economic assets, (2) health and well-being, (3) early childhood education, (4) post-secondary and employment pathways, and (5) social capital.³⁷ However, to effectively implement a two-generation strategy within the context of an anti-trafficking response, programs must first address the physical, emotional, and psychological safety of the victim and their family. Safety planning, services, and resources must undergird a two-generation anti-trafficking effort and form the basis upon which we recommend the following to PITF agencies:

- **Support health, medical, and mental health services that address the unique circumstances associated with trafficking.** Survivors and their family members need wraparound supports to help address traumas the whole family experienced from trafficking. Services are also needed to build the capacity of parents to support the health and well-being of their children. Resources should be designed specifically to guide and process safe and healthy conversations about trafficking within families when a child or parent is the victim. Educational resources targeting whole families should also raise awareness about trafficking, the effects of complex trauma on families, and appropriate sexual health education. These resources must also account for the cultural nuances in some communities where trafficking victimization is not acknowledged or discussed and where some community members may not see the need for specialized supports.
- **Promote targeted services to families where one parent may be the trafficker.** These services may include: therapeutic health supports to help survivor parents process ambivalent feelings regarding having a child with their trafficker, healthy parenting services for single survivor parents, and economic, co-parenting, and educational supports for parents who were traffickers.
- **Encourage legal supports and resources regarding custody and family law matters.** Survivors may fear losing custody of their child when their trafficker is a co-parent and may not be aware of their legal rights or responsibilities. Legal supports may include: support groups or resources to educate survivor parents of their custody rights when the other parent is the trafficker and access to legal representation to determine parental rights and custody agreements.
- **Promote housing services for whole families.** Often survivors, due to criminal records or lack of resources, find themselves living in the same communities and environments where their traffickers may have easy access to them and their families. Housing initiatives that support survivors and their families should include opportunities for families to leave areas and communities in which they continue to be vulnerable.
- **Support education and employment pathways for survivor parents.** Job training or employment support programs should adopt trauma-informed practices when working with trafficking survivors. A key aspect to building parent survivors' economic prospects is offering healthy and appropriate preschool and daycare options that also implement trauma-informed practices.

³⁷ Ascend, The Aspen Institute. (n.d). What is 2Gen? Retrieved from <https://ascend.aspeninstitute.org/two-generation/what-is-2gen/>

REFLECTIONS SINCE 2016 AND MOVING FORWARD

As we move through 2020 and beyond, we reflect on where the U.S. Advisory Council on Human Trafficking began and how federal anti-trafficking efforts have improved. In doing so, we recognize how far federal agency efforts have come and identify areas for further implementation. The partnerships the Council has forged with many federal agencies over several years have been meaningful and have positively impacted anti-trafficking work. A certain level of trust, transparency, and compassion has developed and been maintained, which has allowed us to be open and honest with our recommendations. We greatly appreciate the authentic and genuine conversations we have had with federal agencies. It is our greatest hope that the Council will continue to grow alongside federal agencies as we combat human trafficking.

Building partnerships takes time as the Council and agencies learn about each other. By statute, the Council makes recommendations to federal agencies. The Council quickly learned the challenges agencies may face in implementing our recommendations, whether due to a lack of resources, or legal and regulatory constraints. As a result, the Council, at times, has made recommendations directly to Congress to appropriate funds or shift mandates.

We commend the DOS/TIP Office for helping the Council navigate challenges that arise internally among Council members in the delivery of the Council's business in a fair and neutral manner. The DOS/TIP Office has respectfully helped the Council conduct its business without interfering in the process or affecting outcomes by supporting the collective voice of the Council. We hope that this will continue with future Council members.

During the Council's first term, it focused recommendations on five priority topics. Below we honor and reflect on some of the implementation efforts federal agencies have made and call for continued efforts to advance these recommendations.

Rule of Law

The Rule of Law Committee focused on training for law enforcement as well as resources, awareness, and prosecution of all forms of trafficking. This Committee called upon federal agencies with law enforcement duties to improve training on all forms of trafficking, engage survivors as trainers, and encourage state task forces to engage local survivors. We commend DOL for training all staff on trafficking indicators in 2017. We also appreciate DHS/Blue Campaign efforts to address the need for human



Moving Forward for the Next Council

Reflecting on the work of the Council since its inception, we encourage the next U.S. Advisory Council on Human Trafficking to:

- Continue to coordinate with federal agencies, even if there is disagreement, to find common and shared goals.
- Continue to work with the DOS/TIP Office as a window to the federal government and seek their advice on coordination with various federal agencies.
- Continue to build upon the work of previous Councils and engage past members for support to draw upon their expertise.
- Continue to advocate that Council members, survivor consultants, and lived experience experts be compensated fairly for their time.
- Always remember that you represent the survivor community—continue to include survivors' voices beyond those of Council members in your work and recommendations.

trafficking awareness courses for specific industry professionals. We are grateful to DOJ/Human Trafficking Prosecution Unit (DOJ/HTPU) for incorporating survivor-input into its advanced trainings and seeking Council feedback on its victim interviewing training videos. In addition, we encourage DOJ/FBI to continue to engage with survivors to support trainings and during investigations whenever possible. Additionally, we appreciate DHS/HSI's efforts to incorporate our feedback on training materials used by Club Owners Against Sex Trafficking.

Future Collaboration

Firsthand experiences must continue to be incorporated into all aspects and stages of prosecution efforts. Law enforcement should partner with survivors to enhance the development of trainings as the expertise stemming from lived experiences can inform and influence short and long-term strategies to prosecute human trafficking. Building off this Committee's previous recommendations, we have identified the following areas for continued collaboration. We encourage:

- PITF agencies to increase prosecutions and convictions of labor and sex traffickers.
- DOJ, DHS, DOL, and DOD to ensure law enforcement investigators are trained by survivors on the details of human trafficking and its complexities. Training should offer resources on networks that operate in organized crime and human trafficking, online recruitment, and strategies to arrest buyers and traffickers.
- DHS/HSI to continue partnering with anti-trafficking organizations, as well as the Council or other survivor consultants, to develop awareness training for night club employees.
- DOJ/HTPU to collaborate with the Council or other survivor consultants to establish a specialized forced labor unit to investigate cases as well as create or enhance training on labor trafficking investigations. DOJ/HTPU to also coordinate with the Council or other survivor consultants to develop sensitivity training for law enforcement professionals when working with survivors. Training may address law enforcement culture, gender, and cultural sensitivity that is inclusive of male survivors as well as partnering strategies to ensure collaboration is less threatening and more empowering.
- DOJ to assess how DOJ-funded multidisciplinary task forces incorporate the expertise of survivors and utilize lived experiences.

Public Awareness

The Public Awareness Committee focused on human trafficking public awareness and outreach materials. This Committee previously called upon federal agencies to include more diverse representations of survivors, collaborate with survivors to increase protection efforts, and ensure outreach campaigns are trauma-informed. We continue to commend ED for its guides on human trafficking, namely the *"Human Trafficking in America's School Guide"* and the *"Human Trafficking Framework for Instructional Programming in Schools."*³⁸ We also acknowledge the Department of Transportation's public awareness trainings and materials for transportation stakeholders. In addition, we commend DHS/Blue Campaign for working with survivor consultants to incorporate survivor feedback, from awareness campaign inception to material development and dissemination, to ensure campaigns are diverse and culturally appropriate.

Future Collaboration

We continue to encourage all PITF agencies to collaborate and share public awareness resources and materials with each other to improve outreach efforts. We also continue to call upon federal agencies to ensure images for awareness materials reflect all forms of trafficking and represent various backgrounds and nationalities of both victims and traffickers, especially as there remains a dearth of awareness and materials about labor trafficking. Building off this Committee's previous recommendations, we have identified the following areas for continued collaboration. We encourage:

- PITF agencies to develop awareness materials that focus on labor trafficking.
- PITF agencies to use culturally relevant imagery, language, and resources in awareness materials and coordinate with the Council or other survivor consultants to both develop and provide feedback on materials.
- PITF agencies to set up formal processes for the Council or other survivor consultants from diverse backgrounds and trafficking experiences to both develop and provide feedback on materials.

³⁸ U.S. Department of Education, Office of Safe and Healthy Students. (2015). Human trafficking in America's schools. Retrieved from <https://safesupportivelearning.ed.gov/sites/default/files/HumanTraffickinginAmericasSchools.pdf>, U.S. Department of Education. (2017). Human trafficking framework for instructional programming in schools. Retrieved from https://safesupportivelearning.ed.gov/sites/default/files/USDOE_UseCase_HT_2017.pdf

Victim Services

The Victim Services Committee focused on ensuring services to trafficking survivors were comprehensive, met the needs of all victims, and empowered survivors. This Committee previously called upon federal agencies supporting victim services to provide comprehensive services to all trafficking victims, establish housing preferences for survivors, and use standardized approaches to identify potential trafficking. We commend DOJ/OVC on its grants focused on comprehensive service delivery and acknowledge several agencies, such as HHS/FYSB, HHS/ANA, and DOL, which, with limited resources, have provided services, outreach, and training on trafficking and/or seek to identify potential trafficking victims. The Council has shared challenges that victims and survivors face in obtaining housing and are hopeful that DOJ and HUD will support housing assistance programs for trafficking survivors. We also appreciate ongoing conversations the Council has had with numerous agencies on the challenges of victims not self-identifying and falling through the cracks. While PITF agencies, such as HHS or DOJ, do not require grantees to use standardized tools to identify trafficking, we appreciate efforts to improve detection of trafficking and opportunities for the Council to provide feedback on screening guidelines.

Future Collaboration

The healing trajectory for survivors is expansive and requires support that is trauma-specific and survivor-informed. There are many obstacles victims face after they have experienced trafficking, and services need to be tailored to not only focus on physical safety and well-being but also the psychological and emotional aspects of healing. Medical, dental, vision, housing, job training and placement, substance abuse treatment, and mental health are some of the services needed to provide wraparound supports for victims and their families. Survivors also need access to emergency, transitional, and long-term housing, which is often limited or unavailable. Building off this Committee's previous recommendations, we have identified the following areas for continued collaboration. We encourage:

- PITF agencies to promote and/or establish priority preferences for human trafficking victims to quickly and easily access benefits, assistance, and housing services and to track community level data on each to identify future needs and gaps in service delivery. These priorities should be supported by data collection systems that help identify victims of trafficking when they apply for housing or benefits to ensure they receive timely services. We further encourage HUD to promote existing efforts, such as the 2016 pilot program with HHS in Chicago, Illinois to support housing preferences for trafficking victims.³⁹
- PITF agencies coordinate to create verification documents such as a letter or universal card that certifies domestic human trafficking survivors as victims to help them more easily access benefits for themselves and their families. Many trafficking victims do not have identifying documentation immediately following their trafficking situation, including verification that they experienced trafficking. Navigating social service and benefits systems is difficult and many are re-traumatized by having to repeatedly re-tell their trafficking experience. Such a letter or card would help victims more quickly access services as well as decrease the potential for system-induced re-traumatization.
- PITF agencies promote and draw from survivor-developed and survivor-led trainings and curricula to inform and enhance services for victims of human trafficking.

Labor Laws

The Labor Laws Committee worked with agencies with respect to labor laws and labor trafficking. This Committee previously called upon DOL to collaborate with the Council to establish survivor-informed training, increase investigations in specific industries to identify potential trafficking, and eliminate certain restrictions on employment assistance programs. We recognize DOL's efforts to protect workers from human trafficking and encourage increased collaboration across federal, regional, and local offices to enhance these efforts.

Future Collaboration

We continue to encourage DOL to partner and collaborate with the Council and survivor leaders to develop survivor-informed programs and trainings, especially in the detection and referral of potential trafficking cases. Survivor-informed efforts are a key component to implementing policies and programs that effectively combat human trafficking. Building off this Committee's previous recommendations, we have identified the following areas for continued collaboration. We encourage:

39. Chicago Housing Authority. (n.d). Subsidized housing for human trafficking survivors: A look at the Chicago Housing Authority collaboration (conference slides). Retrieved from <https://freedomnetworkusa.org/app/uploads/2018/04/CHA-Collaboration-FN-Conference-FINAL.pdf>

- DOL to consult with survivors as subject matter experts and not just program beneficiaries in their anti-trafficking work—from product development to training and outreach. We further encourage DOL to adopt survivor consultant engagement strategies similar to DOJ/OVC, HHS/OTIP, and DOS/TIP Office.
- DOL/WHM to consult with the Council or other survivor consultants to gather specific feedback on complaint and investigation processes that may relate to potential labor trafficking.
- DOL/Employment and Training Administration to collaborate with the Council or other survivor consultants to develop and/or support occupational and skills-based workforce training for human trafficking survivors.

Grantmaking

The Grantmaking Committee focused on federal agencies that fund domestic and international anti-trafficking programs. This Committee previously called upon SPOG Grantmaking Committee agencies to support survivor leadership opportunities, identify areas to incorporate survivor input into grantmaking processes, and identify promising practices in anti-trafficking programming. We commend several federal agencies, including DOS/TIP Office and HHS/OTIP, for supporting survivor leadership empowerment opportunities and including survivors in grantmaking processes.

Future Collaboration

The Council's Grantmaking Committee had a strong focus on survivor leadership and providing more economic opportunities for survivors. Victims also need training, resources, and trauma-specific services as well as economic opportunities to achieve self-sufficiency. Building off this Committee's previous recommendations, we have identified the following areas for continued collaboration. We encourage:

- SPOG Grantmaking Committee agencies to design and implement grants that not only provide victim services but offer long-term skill development, financial literacy, job readiness, and education opportunities for victims and survivors.
- SPOG Grantmaking Committee agencies to continue to gather survivor input to inform grantmaking processes and priorities, including how agencies develop culturally competent funding announcements and how agencies evaluate and monitor grantee service delivery and outcomes.
- The SPOG Grantmaking Committee to provide guidance to PITF agencies on defining economic opportunity and self-sufficiency for survivors of human trafficking to inform grantmaking efforts. This guidance should encourage and support long-term education and employment opportunities for survivors that offer not just job options, but a diverse range of career pathways toward sustained financial security.
- The SPOG Grantmaking Committee to work closely with survivor consultants to identify and disseminate best practices, such as those relating to survivor engagement and survivor leadership programming. Specifically, we continue to encourage the SPOG Grantmaking Committee to update its "2012 Promising Practices, A Review of U.S. Government-Funded Anti-Trafficking in Persons Programs" and include the specific topic guidelines and areas of focus noted in the Council's 2017 annual report.⁴⁰

CONCLUSION

On behalf of all survivors and victims of trafficking, members of the U.S. Advisory Council on Human Trafficking acknowledge Congress and the President for creating and providing support to this Council. We recognize and commend federal, state, and local government agencies, NGOs, survivor-led organizations, and survivor leaders on their efforts to raise awareness, increase education, and advocate for the right and fair treatment of all victims and survivors. The Council aims to continue to empower all people and communities to end modern slavery. We believe one victim is too many. Together, we can combat trafficking, minimize the possibilities of re-victimization, and facilitate recovery, growth, and resilience for all victims on their path to self-sufficiency.

40. United States Advisory Council on Human Trafficking. (2017). Annual Report 2017. Retrieved from <https://www.state.gov/united-states-advisory-council-on-human-trafficking-annual-report-2017/>



UNITED STATES DEPARTMENT OF STATE

Printed by ICF
March 2020